

CrI.O.P.No.2122 of 2023

T.V.THAMILSELVI, J.

The petitioners, who apprehends arrest for the alleged offence under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 in Crime No.2 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners who are parents of the defacto complainant performed child marriage to the defacto complainant who is a minor girl. Hence the case.

3.The learned counsel appearing for the petitioners would submit that after getting the consent of their daughter only they have performed the marriage. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI.Side) appearing for the respondent submitted that the petitioners preformed child marriage to their minor daughter which is against the provisions of law. However, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. Considering the facts and circumstances of the case and the fact that the petitioners are only parents of the victim girl , this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Additional Mahila Court, Dharmapuri**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** each with two sureties (out of which one must be a blood related surety) each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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(b) the petitioners shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

01.02.2023

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